



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,825	05/05/2006	Michael Rosenbauer	2002P01292WOUS	1148

46726 7590 11/16/2009
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER

GRAMLING, SEAN P

ART UNIT	PAPER NUMBER
----------	--------------

2875

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/16/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/539,825	Applicant(s) ROSENBAUER ET AL.
Examiner SEAN P. GRAMLING	Art Unit 2875

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Sharon E. Payne/
Primary Examiner, Art Unit 2875

Continuation of 11, does NOT place the application in condition for allowance because:

Examiner maintains the rejections set forth in the previous Office Action, but provides a more thorough explanation of the rejections and a more thorough response to Applicant's arguments from October 13, 2009 and April 30, 2009.

Regarding independent claims 25 and 50, Examiner respectfully disagrees with Applicant's submission that body 10 in Geyer cannot be designated as the front door of the device. Body 10 is towards the front of the appliance (see Figures 1-2), and the word "door" is defined as "any means of approach, admittance, or access" (see www.dictionary.com, entry 4). Accordingly, Examiner submits that body 10 located towards the front of the device and is a means for admittance of the light guide (see Figure 2), thus is a "a front door of the device". Moreover, Examiner submits that the front door 10 in Geyer is "opened" at its ends for receiving light guide 5 and "closed" at the remaining portions (see Figure 2) and additionally submits that the space defined by door 10 constitutes an "interior space" of the appliance.

Alternatively, Examiner submits that the limitation "the front door being opened and closed to access an appliance interior space" is a mere recitation of an intended use of the device, and that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations (Ex parte Masham, 2 USPQ 2d 1647). Accordingly, the rejections of the claims in the previous Office Action are maintained.

Regarding claims 30, 33-34 and 37, Examiner respectfully disagrees with Applicant's general contention that one of ordinary skill in the art would not be motivated to modify the appliance of Geyer to achieve the structural limitations recited in these claims. Examiner respectfully submits that within the rejections, the scope of the prior art has been properly determined, the differences between the prior art and the claimed invention have been properly ascertained, and the level of one of ordinary skill in the art has been resolved. Accordingly, the rejections of these claims under 35 U.S.C. 103 (a) as being unpatentable over Geyer are maintained.

Regarding claims 31 and 32, Examiner respectfully disagrees with Applicant's submission that there would be no motivation for attaching a handle to the front cover of the appliance in Geyer. The fact that Applicant uses a handle for a purpose (for opening the front door of the appliance) different from a purpose obvious to one of ordinary skill in the art (for holding objects such as towels) or disclosed in the prior art reference (for displaying information or status updates) does not alter the conclusion that its use in a prior art device would be *prima facie* obvious (In re Lintner, 173 USPQ 560). Accordingly, the rejections of these claims under 35 U.S.C. 103 (a) as being unpatentable over Geyer and further in view of Becke are maintained.

Regarding claim 45, Examiner respectfully disagrees with Applicant's submission that the optical status device 9 in Geyer is not operable to emit a signal light of a different color indicating a respective different operating state. Paragraph [0024] teaches that a number of light sources may be disposed to illuminate different parts of the light guide 5 or different light guides 5 individually, and that the individual illuminations may be differently colored by differing the color of the light sources. Additionally paragraph [0016] teaches that specific operating states of the appliance can be signaled by the light sources (which can be colored light sources) being switched on intermittently. Accordingly, the rejection of claim 45 under 35 U.S.C. 102 (b) as being anticipated by Geyer is maintained. .